

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

JESSE ORTIZ,)	
)	
Plaintiff,)	
)	
v.)	No. 11-3123-STA-tmp
)	
HERSHEY COMPANY,)	
)	
Defendant.)	

ORDER DENYING PLAINTIFF’S MOTION TO STRIKE WITHOUT PREJUDICE

Before the Court is Plaintiff Jesse Ortiz’s Motion to Strike (D.E. # 68) filed on August 9, 2013. Plaintiff requests that the Court strike Defendant Hershey Company’s reply brief (D.E. # 67), because the paper exceeds the page limit set by Local Rules. Local Rule 56.1(c) permits a party to file without prior leave of court a reply brief in support of a motion for summary judgment not to exceed 10 pages. Local R. 56.1(c). Plaintiff argues that Defendant’s reply is 15 pages long and that Defendant did not seek prior approval from the Court to exceed the page limit for replies. In the alternative, Plaintiff seeks leave to file a sur-reply.

The Court finds that Plaintiff’s Motion is not well-taken. Plaintiff has not attached to his Motion a certificate of consultation as is required under the Local Rule 7.2(a)(1)(B). As such, Plaintiff has failed to show that counsel consulted with opposing counsel before filing the instant Motion. “Failure to attach an accompanying certificate of consultation may be deemed good grounds

for denying the motion.” Local R. 7.2(a)(1)(B). Therefore, Plaintiff’s Motion is **DENIED** without prejudice to re-file with an appropriate certificate of consultation.

IT IS SO ORDERED.

s/ S. Thomas Anderson
S. THOMAS ANDERSON
UNITED STATES DISTRICT JUDGE

Date: August 12, 2013